

MAR 21 2006

P/2778-63

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Guolin Xu et al.

Date: March 21, 2006

Serial No.: 10/535,334

Int'l. Appln. No.: PCT/SG03/00261

Int'l. Filing Date: 10 November 2003

For: METHOD AND SYSTEM FOR CELL AND/OR NUCLEIC ACID  
MOLECULES ISOLATION

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450PETITION UNDER 37 C.F.R. §1.47(a)

Sir:

The undersigned attorney hereby petitions under 37 C.F.R. §1.47(a) on behalf of the signing inventors and the assignee, Agency for Science, Technology and Research (i.e., "ASTAR"), that this application be accepted for examination without the signature of non-signing inventor, Dennis Lee Polla, who refuses to sign.

Accompanying this petition are declarations by Ms. Jacqueline Wong, the Docketing Administrator of Exploit Technologies Pte, Ltd., the intellectual property management office of ASTAR, and Ms. Winnie Chua, Manager of Exploit Technologies Pte, Ltd. These declarations describe the pertinent facts and evidence relating to the diligent efforts made in attempting to have the non-signing inventor join in the application.

The last known address of the non-signing inventor is:

Professor Dennis L. Polla

2830 Hillscourte S.

Roseville, Minnesota 55113-2175

The Patent Office is authorized to charge our Deposit Account No. #15-0700 in the amount of \$200 for the Petition fee. The fee for late declaration (\$130) and the fee for a four

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month extension of time (\$1,590) has been concurrently authorized under separate cover. In the event that payment of any fee is inadvertently not enclosed or any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

The inventors and/or the assignee, having complied with the requirements of 35 U.S.C. §116, second paragraph, and 37 C.F.R. §1.47(a), hereby respectfully request that this petition be granted.

I hereby certify that this correspondence is being transmitted by Facsimile to (571) 273-8300 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Lawrence A Hoffman

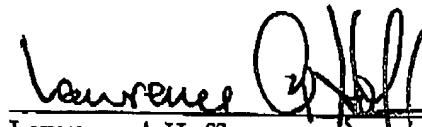
Name of applicant, assignee or  
Registered Representative

  
Signature

March 21, 2006

Date of Signature

Respectfully submitted,



Lawrence A Hoffman

Registration No.: 22,436

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

MAF:LAH:lac:fs

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

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Serial No.: 10/535,334

Group Art Unit: --

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For: METHOD AND SYSTEM FOR CELL AND/OR NUCLEIC ACID MOLECULES  
ISOLATION

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. 1.47(a)

Sir:

I, Jaqueline Wong, DECLARE as follows:

1. I am employed as the Docketing Administrator of Exploit Technologies Pte, Ltd., which is the intellectual property management office of Agency of Science, Technology and Research (ASTAR), the Assignee of the above-identified patent application.
2. On August 18, 2005, in my capacity as Docketing Administrator of Exploit Technologies Pte, Ltd., I sent an e-mail to several of the inventors named in this application requesting them to sign the Assignment and the Combined Declaration and Power of Attorney forms relating to the above-identified application, which were provided as an attachment to my August 18<sup>th</sup> e-mail. A copy of this August 18<sup>th</sup> e-mail is attached as Exhibit A to this declaration. As of the indicated date, pursuant to information and belief, Professor Polla had left the employment of IBN. Exploit Technologies Pte, Ltd. did not have Professor Polla's e-mail address.
3. On August 19, 2005, Dr. Lin Kiat Saw, one of the named co-inventors of the above-identified application, sent an e-mail to Professor Polla to inform him that ASTAR required him to execute the above-mentioned Assignment and Combined Declaration and Power of Attorney

forms. A copy of Dr. Saw's August 19<sup>th</sup> e-mail to Professor Polla is attached to this declaration as Exhibit B.

4. Thereafter, I received an e-mail from Professor Polla, dated August 20, 2005, in response to the e-mail from Dr. Saw discussed in the paragraph above. In his August 20<sup>th</sup> e-mail to me, Professor Polla indicated that he would sign the above-indicated documents if I would send them to his U.S. permanent residence, i.e., Professor Dennis L. Polla, 2830 Hillscourte S., Roseville, Minnesota 55113-2175, Phone: 1-651-245-7585. A copy of Professor Polla's August 20<sup>th</sup> e-mail is attached as Exhibit C to this declaration.

5. Following the August 20<sup>th</sup> e-mail, on information and belief, further efforts relating to obtaining Professor Polla's signature on the above-indicated documents were handled by Ms. Winnie Chua. Ms. Chua is employed as the Manager of Exploit Technologies Pte, Ltd.

6. I further declare that all statements made herein are made of my own knowledge and are true, except for those statements made on information and belief, which are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this declaration and any United States patent issuing therefrom.

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

21/3/2006

>>>-----Original Message-----  
>>>From: Jacqueline Wong [mailto:jacqueline@exploit-tech.com]  
>>>Sent: 18 August 2005 13:50  
>>>To: glxu@ibn.a-star.edu.sg; lksrw@healthlife.com.sg;  
>>>peilin@yahoo.com; czhang@ibn.a-star.edu.sg; myv@ibn.a-star.edu.sg  
>>>Cc: Winnie Chua  
>>>Subject: US Application No: 10/535,341; Entitled: Method and System  
>>>for Cell and/or Nucleic Acid Molecules Isolation; Our Ref:  
>>>IBN/P/1350/2588/US  
>>>  
>>>  
>>>Dear Inventors,  
>>>We have filed the above referenced application on 18 May 2005. To  
>>>complete  
>>>the filing formalities, all inventors have to print out the attached  
>>>forms  
>>>(Assignment and Combined Declaration & Power of Attorney) in single  
>>>page format, sign in BLUE INK and mail the originals to us by 29  
>>>August 2005.  
>>>  
>>>Our mailing address:  
>>>Exploit Technologies Pte Ltd  
>>>30 Biopolis Street, #09-02, Matrix  
>>>Singapore 138671  
>>><<IBN\_P\_1350\_2588\_US Asigt\_001.pdf>> <<POA & DECLARE\_001.pdf>>  
>>>Thank you.  
>>>  
>>>Sincerely yours,  
>>>Jacqueline Wong  
>>>Docketing Administrator  
>>>IP Management  
>>>Exploit Technologies Pte Ltd  
>>>30 Biopolis Street, #09-02, Matrix

## Exhibit A

>>>Singapore 138671  
>>>DID: (65) 6478 8477 Fax (65) 6873 7192  
>>>Email: [jacqueline@exploit-tech.com](mailto:jacqueline@exploit-tech.com)  
>>>  
>>>This communication is for use by the intended recipient and contains  
>>>information that may be privileged, confidential or copyrighted under  
>>>applicable law. If you are not the intended recipient, you are hereby  
>>>formally notified that any use, copying or distribution of this  
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>>>does not constitute a contract offer, a contract amendment, or an  
>>>acceptance of a contract offer. This e-mail does not constitute a  
>>>consent to the use of sender's contact information for direct  
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>>>transfers  
>>>of data to third parties.  
>>>  
>>>  
>>>  
>>><<IBN\_P\_1350\_2588\_USAsigt\_001.pdf>>  
>>>  
>>><<POA\_DECLARE\_001.pdf>>  
>>>  
>>><<W004046305A2.pdf>>  
>>>  
>>>  
>>>

13/03/2006

>>  
>> >From: <lksaw@healthlife.com.sg>  
>> >Reply-To: <lksaw@healthlife.com.sg>  
>> >To: "Dennis Polla" <dennispolla@hotmail.com>  
>> >Subject: FW: US Application No: 10/535,341; Entitled: Method and  
>> >System  
>> >for  
>> >Cell and/or Nucleic Acid Molecules Isolation; Our Ref:  
>> >IBN/P/1350/2588/US  
>> >Date: Fri, 19 Aug 2005 16:22:21 +0800  
>> >  
>> >Hi, Dennis,  
>> >  
>> >How's the new job? Havent heard from you for quite a while.  
>> >  
>> >A\*Star side have some document that requires your signature. Hope  
>> >that  
>> >you  
>> >can still receive this e-mail. Please do let me know if you receive  
>> >it.  
>> >  
>> >Regards,  
>> >Lin Kiat  
>> >19Aug'05

## Exhibit B

>>>-----Original Message-----

>>>From: Dennis Polla [mailto:dennispolla@hotmail.com]

>>>Sent: Saturday, August 20, 2005 1:50 AM

>>>To: Jacqueline Wong

>>>Cc: [lkaw@healthlife.com.sg](mailto:lkaw@healthlife.com.sg)

>>>Subject: FW: US Application No: 10/535,341; Entitled: Method and System  
>>>for Cell and/or Nucleic Acid Molecules Isolation; Our Ref:

>>>IBN/P/1350/2588/US

>>

>>

>>>Dear Jacqueline:

>>

>>>I understand from Dr. Saw's e-mail that you require my signature on  
>>>some documents. I will be happy to sign these documents if you send  
>>>them to my U.S. permanent  
>>>residence which is

>>

>>>Professor Dennis L. Polla

>>>2830 Hillscourte S.

>>>Roseville, Minnesota 55113-2175

>>>1-651-245-7585

>>

>>>Kindly enclose a copy of the US Application which appears to be missing  
>>>in Dr. Saw's e-mail.

>>

>>>Thank you.

>>

>>>Dennis Polla

## Exhibit C



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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Guolin XU et al

Serial No.: 10/535,334

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Int'l Filing Date: 10 November 2003

For: METHOD AND SYSTEM FOR CELL AND/OR NUCLEIC ACID MOLECULES  
ISOLATION

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. 1.47(a)**

Sir:

I, Winnie Chua, DECLARE as follows:

1. I am employed as the Manager of Exploit Technologies Pte, Ltd., which is the intellectual property management office of Agency of Science, Technology and Research (ASTAR), the Assignee of the above-identified patent application.

2. Professor Dennis Lee Polla was previously an employee of SurroMed, which has since been subsumed into Institute of Bioengineering and Nanotechnology (IBN). IBN is, in turn, a research institute of ASTAR. It is my understanding that all employees in the research institutes of ASTAR are required to assign their rights in any invention to their respective institutes, by virtue of their employment therein. I further understand that the assignment from the inventor to his research institute is then followed by an assignment from the respective research institute to ASTAR.

3. On August 25, 2005, I sent an e-mail to Professor Polla in my capacity as Manager of Exploit Technologies Pte, Ltd., attaching the Assignment and Combined Declaration and Power of Attorney forms concerning the above-identified application. My e-mail requested Professor Polla to print out and execute the forms and then to forward the executed forms to Exploit

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Technologies Pte, Ltd. A copy of my August 25<sup>th</sup> e-mail to Dr. Polla is attached as Exhibit A to this declaration.

4. Professor Polla replied to my August 25<sup>th</sup> e-mail on September 3, 2005, requesting that I forward a copy of the application listed in the Combined Declaration and Power of Attorney form to him. Dr. Polla's response, therefore, demonstrates that he was able to receive my previous e-mail and to open the attachments to the e-mail and that he, in fact, did so. A copy of Professor Polla's September 3<sup>rd</sup> e-mail is attached as Exhibit B to this declaration.

5. On September 15, 2005, I forwarded a copy of the application, as requested, to Professor Polla, via e-mail. A copy of my September 15<sup>th</sup> e-mail is attached as Exhibit C to this declaration.

6. When I did not receive the executed papers, I sent additional, follow-up e-mails to Professor Polla on October 14, 2005, November 21, 2005 and December 7, 2005, requesting whether he had completed and returned the Power of Attorney form. A copy of my e-mail dated December 7, 2005, which is representative of the follow-up e-mails that I sent, is attached as Exhibit D to this declaration. I received no indication that any of the e-mails referred to in this declaration were undelivered. Nevertheless, I have not received any reply from Professor Polla to any of the above-indicated e-mails, nor have I heard from him since.

7. I further declare that all statements made herein are made of my own knowledge and are true, except for those statements made on information and belief, which are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this declaration and any United States patent issuing therefrom.

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

21<sup>ST</sup> MAR 2006

>>From: "Winnie Chua" <winnie@exploit-tech.com>  
>>To: <dennispolla@hotmail.com>  
>>CC: "Jacqueline Wong" <jacqueline@exploit-tech.com>  
>>Subject: US Application No: 10/535,341; Entitled: Method and System for  
>>Cell and/or Nucleic Acid Molecules Isolation; Our Ref: IBN/P/1350/2588/US  
>>Date: Thu, 25 Aug 2005 08:36:15 +0800  
>>  
>>Dear Dennis,  
>>  
>>We refer to the subject patent application.  
>>  
>>We attach the requested information. To complete the filing  
>>formalities,  
>>all inventors have to print out the attached forms Assignment and Combined  
>>Declaration & Power of Attorney) in single page format, sign in BLUE INK  
>>and mail the originals to us by 29 August 2005.  
>>  
>>Our mailing address:  
>>Exploit Technologies Pte Ltd  
>>30 Biopolis Street, #09-02, Matrix  
>>Singapore 138671  
>>We look forward to your reply.  
>>  
>>Thank you.  
>>  
>>  
>>Sincerely yours,  
>>Winnie  
>>Exploit Technologies Pte Ltd  
>>DID: 6478 8473  
>>Fax: 6873 7192

## Exhibit A

> —Original Message—  
> From: Dennis Polla [mailto:dennispolla@hotmail.com]  
> Sent: Saturday, September 03, 2005 12:58 AM  
> To: Winnie Chua  
> Subject: RE: US Application No: 10/535,341; Entitled: Method and System  
> for Cell and/or Nucleic Acid Molecules Isolation; Our Ref:  
> IBN/P/1350/2588/US  
>  
>  
> Dear Winnie:  
>  
> I am still waiting for the identified specification dated 18 May 2005  
> listed in your POA form.  
>  
> Thank you.  
>  
> Dennis

## Exhibit B

>  
>  
> Sincerely yours,  
> Winnie  
> Exploit Technologies Pte Ltd  
> DID: 6478 8473  
> Fax: 6873 7192  
>  
>  
> -----Original Message-----  
> From: Winnie Chua  
> Sent: Thursday, September 15, 2005 2:17 PM  
> To: 'Dennis Polla'  
> Subject: RE: US Application No: 10/535,341; Entitled: Method and System  
> for Cell and/or Nucleic Acid Molecules Isolation; Our Ref:  
> IBN/P/1350/2588/US  
>  
> Importance: High  
>  
>  
> Dear Dennis,  
>  
> We attach the requested information.  
>  
> Thank you.

## Exhibit C

-003/001  
Page 1 of 5Upasana Patel

From: "Upasana Pater" <upatel@lloydwise.com.sg>  
To: "Upasana Patel" <upatel@lloydwise.com.sg>  
Sent: 13 March 2006 11:44  
Subject: Fw: URGENT Part 5 of 5 Your ref: FP2654; Our ref: IBN/P/1350/2588/US

> -----Original Message-----  
> From: Winnie Chua  
> Sent: Wednesday, December 07, 2005 10:21 AM  
> To: 'Dennis Polla'  
> Cc: Jacqueline Wong  
> Subject: RE: US Application No: 10/535,341; Entitled: Method and System  
> for Cell and/or Nucleic Acid Molecules Isolation; Our Ref:  
> IBN/P/1350/2588/US  
>  
> Importance: High  
>  
>  
> Dear Dennis,  
>  
> Please let us know as to whether you have completed and returned the POA  
> to us as requested.  
>  
> Thank you.  
>  
>  
> Sincerely yours,  
> Winnie  
> Exploit Technologies Pte Ltd  
> DID: 6478 8473  
> Fax: 6873 7192

**Exhibit D**

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